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July 11, 2006

Hand Delivery

The Honorable William G. Young
United States District Judge
5710 United States Courthouse
One Courthouse Way
Boston, MA 02210-3002

Re: ***Mullinix v. Bogorad-Gross, et al., Executors,
Civil Action No. 04-12684-WGY.***

Dear Judge Young:

I am writing to request a personal indulgence in respect of this matter.

I am lead counsel to the defendants in this action. A hearing on the pending summary judgment motions is scheduled for this Thursday, July 13th, at 2:00 p.m. That hearing was scheduled by ECF notice issued on June 6, 2006, when I was in Florida and my associate, Ms. Hodes, was in North Carolina, each on separate business matters.

I am presently in rural California on a vacation with both my immediate family and members of our extended family. We are returning to Boston this Saturday, July 15th. This trip was scheduled (and much of the cost prepaid) many months ago, well prior to any scheduled events in this or any other case that would pose any conflict.

Our clients have expressed the strong desire that I, as their principal counsel, appear on their behalf at the hearing on the summary judgment motions. Although I have made contingent arrangements to return from California to Boston for one day this Thursday (and, due to another family event scheduled for this Friday, to return to California late that night), such a trip would be a significant disruption to our long-planned family time together, not to mention a very significant expense to the estate of which our clients are the executors.

On June 23rd, after consulting with plaintiff's counsel, we requested that this Thursday's hearing be postponed by one week, to next Thursday, June 20th (or to some other date that was convenient to the Court). Your Honor denied that request by ECF order dated June 30, 2006. Given the exigencies of my personal situation, which involves family plans made many months ago, I am asking that you reconsider that ruling and reschedule the hearing on the summary judgment motions to either July 17 or July 20 or, if those dates are not convenient to the Court, to a date after July 31st when I return from another longstanding business commitment. I would respectfully request that, in considering this personal request, that you also consider that, under the Scheduling Order in place in this case, the final pretrial conference is not scheduled until September and no trial date has been set.

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Very truly yours,

A handwritten signature in cursive script that reads "Larry L. Varn". The signature is written in dark ink and includes a stylized flourish at the end.

Larry L. Varn

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LLV:bjw

cc: Larry C. Kenna, Esq.